

# **EXHIBIT 4**

AFFIDAVIT OF DEAN A. DELUCA, ACHD AIR  
QUALITY DIVISION ENFORCEMENT CHIEF

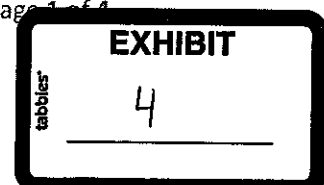
**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GROUP AGAINST SMOG AND POLLUTION, INC.,	)	
	)	Civil Action No. 2:14-cv-00595-CB
Plaintiff,	)	
	)	HONORABLE CATHY BISSOON,
v.	)	DISTRICT JUDGE
	)	
SHENANGO INCORPORATED,	)	
	)	
Defendant.	)	
	)	

**AFFIDAVIT OF DEAN A. DeLUCA**

I, Dean A. DeLuca, hereby affirm the following:

1. I am the Air Quality Division Enforcement Chief of the Allegheny County Health Department ("ACHD").
2. The ACHD is responsible for overseeing and enforcing compliance with all emissions standards under Article XXI of the ACHD Rules and Regulations ("Article XXI") for all sources within Allegheny County.
3. ACHD inspectors conduct inspections at Shenango Incorporated's ("Shenango's") S-1 coke battery (the "Coke Battery") to determine compliance with applicable air emissions requirements.
4. Between January 1, 2014 and June 30, 2014, the ACHD conducted 92 inspections of the Coke Battery to determine compliance with Article XXI, Section 2105.21.b.1 (the "5% door standard").



5. Pursuant to a contract required by the United States Environmental Protection Agency (“EPA”), the ACHD has also received summaries of daily door inspections between January 1, 2014 and June 30, 2014 that are conducted by a contractor who employs trained third-party inspectors to determine compliance with the 5% door standard.

6. There were 273 inspections (92 ACHD and 181 third-party inspections) conducted by ACHD or its contractor between January 1, 2014 and June 30, 2014 to determine compliance with the 5% door standard. There was one third-party inspection and two ACHD inspections that showed leaking doors on 5% or more of the doors observed. The non-compliant observation by the contractor was 5.4% and the non-compliant observations by ACHD were 12.5% and 7.1%.

7. Prior to the entry of the consent order dated April 8, 2014 between Shenango and the ACHD (the “2014 COA”), ACHD was told that Shenango door inspection procedures were revised to include a door change-out and cleaning program of 1 to 2 doors per week.

8. The ACHD considered the door change-out and cleaning program to be the compliance plan designed to address violations of the 5% door standard and the 40% door leak opacity standard. The ACHD also acknowledges that the door change-out and cleaning program instituted by Shenango has contributed to a significant reduction of door emissions referenced in the 2014 COA and a significant reduction of the frequency of violations of the 5% door standard. Compliance with the 5% door standard has improved to 98.9% for January 1, 2014 to June 30, 2014.

9. The Elevated Opacity Response Protocol, the Battery Heating Protocol and the Coke Oven Proactive Maintenance Program, respectively contained in Appendices 2, 3 and 4 of the consent decree entered on November 6, 2012 between ACHD and Shenango (the "2012 Consent Decree"), are designed as long-term, ongoing measures intended to reduce exceedances of Article XXI, Sections 2015.f.3 and f.4 (the "20% and 60% combustion stack opacity standards") at the Coke Battery.

10. On or about April 8, 2014, the ACHD and EPA issued a demand to Shenango pursuant to the 2012 Consent Decree for stipulated penalties in the amount of \$148,500 for 449 alleged violations of the 20% and 60% combustion stack opacity standards at the Coke Battery from November 6, 2012 to December 31, 2013.

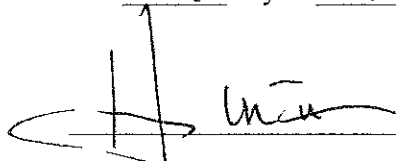
11. On or about April 30, 2014 ACHD received its portion of the stipulated penalty demand payment from Shenango to ACHD in the amount of \$74,250.

12. On or about July 3, 2014, the ACHD and EPA issued a demand for stipulated penalties pursuant to the 2012 Consent Decree in the amount of \$28,350 for 96 alleged violations of the 20% and 60% combustion stack opacity standards at the Coke Battery from January 1, 2014 to March 31, 2014.

Dean A. DeLuca

Dean A. DeLuca  
ACHD Air Quality Division Enforcement Chief

Sworn to and subscribed before me  
this 18<sup>th</sup> day of July, 2014

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Notary Public

